

Truth-in-Sale of Housing Program

Chapter 189 of the Saint Paul Legislative Code requires a Truth-in-Sale of Housing disclosure report be prepared and available to prospective buyers, for all single family and duplex homes for sale in the city. For the full text of the ordinance, go to: www.stpaul.gov click on the link to City Departments, click on the link “DSI – Code Enforcement”, then click on the link, “Truth-in-Sale of Housing”, then click on the link, [Chapter 189 \(Truth in Sale of Housing\)](#)

This Truth-in-Sale of Housing disclosure report must be conspicuously displayed at the premises for all prospective buyers to see. A valid disclosure report issued under the ordinance shall be provided to the buyer before or at the time of sale of the dwelling. Disclosure reports shall be prepared and signed only by an independent evaluator who has been certified as a Truth-in-Sale of Housing evaluator under the ordinance.

Failure to obtain a Truth-in-Sale of Housing disclosure report before marketing a house for sale, or failure to make that disclosure report available to prospective buyers, is a violation of law and is punishable as a misdemeanor carrying up to 90 days in jail and/or a \$1,000.00 fine.

WHAT THE DISCLOSURE REPORT IS NOT:

The report is not a V.A. or FHA appraisal or inspection.

It is not a technically extensive report. It is prepared through a visual inspection and is only a disclosure.

It is not a warranty or guarantee, expressed or implied, by the City or the independent evaluator, for any of the building's components or fixtures. The City does not guarantee or warranty the accuracy of the report.

The Truth-in-Sale of Housing disclosure report does not address formaldehyde, lead paint, any airborne gas (including radon), asbestos, fiberglass fiber, insect or animal pests, wells or septic tanks. The evaluator is not required to ignite the heating plant, use a ladder to observe the condition of the roof, evaluate inaccessible or concealed areas, disassemble or remove anything for the evaluation.

COMMONLY ASKED QUESTIONS:

WHAT IS A DISCLOSURE REPORT?

This disclosure report is an overview of the building components and fixtures. It is to inform prospective buyers of the observed condition of a dwelling at the time of the evaluation. The disclosure report is intended to provide basic information to the home buyer and the seller prior to the time of sale; it is not necessarily detailed information. Prospective buyers may also seek additional opinions from various experts in the home inspection field prior to purchase.

IS THE CITY GOING TO USE THE REPORT FOR CODE ENFORCEMENT?

With the exception of the hard-wired smoke detector ordinance, the City is not going to use the report as a means of code enforcement. Remember, the report is ONLY a disclosure.

This is not to say that V.A., FHA, or some other mortgage or finance company will not demand certain codes or standards be met before a mortgage is approved; they have their own standards and while they may be similar, they may not be the same as those noted on the Truth-in-Sale of Housing disclosure report.

ARE ALL DWELLINGS INCLUDED?

One and two-family dwellings, town homes, condominiums and co-ops require a Truth-in-Sale of Housing disclosure report **whenever there is an intended change of ownership**. The intended change of ownership is an important concept to remember. A Truth-in-Sale of Housing disclosure report must be done for Contract-For-Deed sales.

There are some exceptions to the requirement for a Truth-in-Sale of Housing disclosure report. They are:

1. Any newly constructed dwelling when title is transferred to the first owner.
2. The conveyance of title of the dwelling to a public body.
3. A dwelling with a valid Certificate of Code Compliance, or the orders from a Certificate of Code Compliance inspection, as set forth in Section 33 of the Saint Paul Legislative Code which shall be dated no earlier than one (1) year prior to its usage.
4. The sale or conveyance of any dwelling by a public or court officer in the performance of their official duties. This does not apply to the sale of a dwelling by a personal representative or guardian appointed by a probate court or a sale ordered by a probate court.
5. The sale of a dwelling to a member of the current owner's immediate family: narrowly defined as one of the linear relationships between a parent, child, sibling and/or grandparent.
6. The building is going to be demolished within 365 days/1 year.

HOW LONG IS THE DISCLOSURE REPORT VALID?

The report is valid for one (1) year from the date on the report and is only valid for the owner named on the report, and for only one sale.

WHEN SHOULD THE EVALUATION BE DONE?

The ordinance requires an evaluation be done within three (3) calendar days of a dwelling being offered, listed or posted for sale. The Truth-in-Sale of Housing disclosure report issued for the dwelling must be available for viewing by all prospective buyers, and a copy must be provided to the buyer before or at the time of the sale of the dwelling. It is the responsibility of the owner or the owner's agent to comply with these requirements.

HOW DO I CONTACT AN EVALUATOR AND WHAT WILL BE THE COST?

Evaluators are private contractors, not employees of the City. The City does, however, maintain a list of licensed Evaluators and will provide this list (which includes telephone numbers for each evaluator) to anyone requesting it. You may also contact an Evaluator through a Realtor or agent. The City will not recommend an Evaluator. You may request a list of licensed Evaluators from the City by calling (651) 266-1900. You may print out a list of Evaluators by going to this website, Internet link:

www.stpaul.gov click on the link to City Departments, click on the link "DSI – Code Enforcement", then click on the link, "Truth-in-Sale of Housing".

As private contractors, each Evaluator sets his or her own fees and schedules. The City does not monitor, regulate, guarantee or set the fees charged by Evaluators.